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VOTING INFORMATION NEWS

Vol. 8 No. 2

A roundup of voting news from the Federal Voting Assistance Program (FVAP) ✓ ✓ For voters, potential voters and those who assist voters.

Members of the Uniformed Services, family members and overseas civilians

Voting Residency Guidelines for UOCAVA Citizens

During the course of an election year, the Federal Voting Assistance Program (FVAP) receives numerous queries from citizens voting under the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* regarding their state of residence for voting purposes. While the issue of voting can be complex, the following are general guidelines for helping members of the Uniformed Services, the merchant marine and their family members and all overseas civilian citizens determine their state of legal residence for voting purposes.

Uniformed Services & Family Members

Foremost, you should keep in mind that Uniformed Service personnel and their family members may not arbitrarily choose which state to declare as their legal voting residence without meeting the state's residency requirement. The following are basic guidelines to follow in determining residency for military personnel and their family members:

- * One must have or have had physical presence in the state and simultaneously the intent to remain or make the state his/her home or domicile.

- * One may only have one legal residence at a time, but may change residency each time he or she is transferred to a new location. One must make a conscious decision to change residency; it cannot be done accidentally. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, obtaining a driver's license, etc.

- * Once residence is changed, a person may not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

"Home of Record" should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the Service. It does not change. "Home of Record" and legal residence may be the same address, and usually are, when a person enters military service. It can remain so even though the person or his/her relatives no longer live at that location, as long as the military member has not established a legal residence elsewhere after entering on active duty. If a military member changes legal residence after entering on active duty, he/she may not revert to claiming the "Home of Record" as legal residence without re-establishing physical presence and intent to remain in or return to that state.

Family members of active duty military personnel may each

have a different legal residence. **A spouse does not automatically assume the legal residence of the active duty member upon marriage.**

(see **Residency**, pg. 4)

Overseas Civilian Citizens

The following are voting residency guidelines for citizens residing outside the U.S. not affiliated with the government. Your "legal state of residence" for voting purposes is the state you last resided immediately prior to your departure from the U.S. This right extends to overseas citizens even though they may no longer own property or have other ties to their last state of residence and their intent to return to that state may be uncertain.

Keep in mind that exercising your right to vote in elections *for Federal offices only* does not affect the determination of residence

or domicile for purposes of any tax imposed under Federal, state or local law. Voting in an election for *Federal office only* may not be used as the sole basis to determine residency for the purposes of imposing state and local taxes. If you claim a particular state as your residence and have other ties with that state *in addition to voting*, then you may be liable for state and local taxation, depending upon that particular state law. Appendix G of the 1998-99 *Voting Assistance Guide* contains information on probable tax obligations. Consult your legal

counsel for specific questions.

Voting Assistance Officers at Embassies/Consulates will assist overseas U.S. citizens in obtaining and completing Federal Post Card Application (FPCA) requests for registration and ballot; witnessing or notarizing FPCA forms (if required); and providing other absentee voting information as needed. Embassy/Consulate locations serve also as postage-free mailing points where FPCA forms and other election materials may be mailed back to your local voting jurisdiction in the U.S. where absentee registration and ballot requests are actually processed. Organizations of American citizens overseas such as Democrats Abroad and Republicans Abroad and overseas corporations have all voting materials necessary to assist citizens in requesting registration and ballot.

Always when completing the FPCA, be sure to consult the appropriate state section in Chapter 3 of the *Guide* and complete the residence section of the form by entering the complete street address of your last residence in that state, including your street or rural route and number. If using a rural route number, include specific location of residence. Your right to vote in your state and determination of voting precinct depend on your physical residence while you were within that state.



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Not for Absentee Voting**FVAP & the National Voter Registration Act**

The *National Voter Registration Act of 1993 (NVRA)* establishes procedures to increase the number of eligible citizens who register to vote in elections for Federal office, protect the integrity of the electoral process, and enhance voter participation in elections for Federal office. The law requires State offices in the Department of Motor Vehicles, social agencies such as Aid to Families with Dependent Children, and others to implement the voter registration application program. At each voter registration agency, the following services are made available: distribution of mail voter registration application forms; assistance to applicants in completing voter registration application forms, and acceptance of the completed forms for transmittal to the appropriate State election official. The citizen's actual voter registration is processed only by State election officials.

Role of the FVAP

The law requires each state and the Secretary of Defense to "...jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States." The Federal Voting Assistance Program (FVAP) is implementing that part of NVRA that establishes Armed Forces Recruiting Offices as Voter Registration Agencies. It defines a recruitment office of the Armed Forces "...to be a voter registration agency... for all purposes of this Act." For this program, Armed Forces Recruitment Offices include: Army, Navy, Air Force, Marine Corps, and Coast Guard, over 6,000 offices nationwide. Since the Act went into effect in January of 1995, over 100,000 U.S. citizens have applied for voter registration through Armed Forces recruitment offices.

State Exceptions

The Act applies to every State in the United States plus the District of Columbia, but not to U.S. territories or the Commonwealth of Puerto Rico. States exempt from the Act: Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming. These states either do not require registration or have "same day registration" at the polls. Nevertheless, Minnesota and Wisconsin are accepting applications for voter registration from Armed Forces recruitment offices.

NVRA Does Not Apply to UOCAVA Voters

The NVRA should not be confused with the other act administered by the FVAP, the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. The UOCAVA provides for absentee voting by: members of the Uniformed Services and their eligible dependents; the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; members of the merchant marine, overseas Federal employees and citizens outside the U.S. not affiliated with the Federal government. UOCAVA citizens utilize the Federal Post Card Application (FPCA SF-76) to request registration and a ballot from their jurisdiction of voting residence.

Voting Assistance Officers**"To Do" This Month**

[] Make sure you have received your copy of the 1998-99 *Voting Assistance Guide*. If you have not received one yet, contact your State Dept. or Service Voting Action Officer (SVAO) immediately at the number listed on page 3 of this newsletter or through the Web at www.fvap.gov.

[] Conduct an orientation for all members of your organization on the importance of voting in primary elections. Be sure you have participation by senior level military and State Department managers. Distribute Federal Post Card Applications (FPCAs) to all members of your unit and family members and overseas citizens. Coordinate with local organizations so they can emphasize the importance of voting at their next meeting. Visit www.fvap.gov for on-line materials and help.

[] Insure you have an adequate supply of Federal Write-In Absentee Ballots (FWABs) for CONUS and OCONUS personnel and all private overseas citizens. Be aware that some states have expanded use of the FWAB to primaries and non-general elections. Consult the *Guide* for details.

[] Be sure your installation or Embassy/Consulate telephone information operator has your name and telephone number for referrals.

[] Check with communications and distribution centers or the voting officer at the next higher organizational level to insure you are receiving voting information in a timely manner.

[] Consider receiving your copy of this newsletter by e-mail. Submit your request to vote@fvap.gov. Be sure to provide the current regular mail address where the newsletter is being sent.

Federal Voting Assistance Program

Voting Information News provides information for citizens and Voting Assistance Officers and is published monthly by the FVAP.

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703-695-0663 703-693-6500
 (800) 438-8683 DSN 223-6500

DSN 225-0663 Toll-free Numbers (pg. 4)

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703-693-5507
 DSN 223-5507



Note: Copying or using VIN articles in other publications, etc. is encouraged.

1998 State Primary Calendar

State	State Primary Date	State Runoff Primary (if necessary)	OFFICIALS TO BE NOMINATED FOR THE GENERAL ELECTION		
			FEDERAL		STATE
			U.S. Senator	U.S. Representative	Governor
Alabama	June 2	June 30	Yes	7	Yes
Alaska	August 25	—	Yes	1	Yes
American Samoa	—	—	—	—	—
Arizona	September 8	—	Yes	6	Yes
Arkansas	May 19	June 9	Yes	4	Yes
California	June 2	—	Yes	52	Yes
Colorado	August 11	—	Yes	6	Yes
Connecticut	September 15	—	Yes	6	Yes
Delaware	September 12	—	—	1	—
District of Columbia	September 15	—	—	1 Delegate	(Mayor)
Florida	September 1	October 1	Yes	23	Yes
Georgia	July 21	August 11	Yes	11	Yes
Guam	September 5	—	—	1	Yes
Hawaii	September 19	—	Yes	2	Yes
Idaho	May 26	—	Yes	2	Yes
Illinois	March 17	—	Yes	20	Yes
Indiana	May 5	—	Yes	10	—
Iowa	June 2	—	Yes	5	Yes
Kansas	August 4	—	Yes	4	Yes
Kentucky	May 26	—	Yes	6	—
Louisiana	October 3	—	Yes	7	—
Maine	June 9	—	—	2	Yes
Maryland	September 15	—	Yes	8	Yes
Massachusetts	September 15	—	—	10	Yes
Michigan	August 4	—	—	16	Yes
Minnesota	September 15	—	—	8	Yes
Mississippi	June 2	June 23	—	5	—
Missouri	August 4	—	Yes	9	—
Montana	June 2	—	—	1	—
Nebraska	May 12	—	—	3	Yes
Nevada	September 1	—	Yes	2	Yes
New Hampshire	September 8	—	Yes	2	Yes
New Jersey	June 2	—	Yes	13	—
New Mexico	June 2	—	—	3	Yes
New York	September 15	—	Yes	31	Yes
North Carolina	May 5	June 2	Yes	12	—
North Dakota	June 9	—	Yes	1	—
Ohio	May 5	—	Yes	19	Yes
Oklahoma	August 25	September 15	Yes	6	Yes
Oregon	May 19	—	Yes	5	Yes
Pennsylvania	May 19	—	Yes	21	Yes
Puerto Rico	—	—	—	—	—
Rhode Island	September 15	—	—	2	Yes
South Carolina	June 9	June 23	Yes	6	Yes
South Dakota	June 2	June 16	Yes	1	Yes
Tennessee	August 6	—	—	9	Yes
Texas	March 10	April 14	—	30	Yes
Utah	June 23	—	Yes	3	Yes
Vermont	September 8	—	Yes	1	Yes
Virgin Islands	September 8	—	—	1	Yes
Virginia	June 9	—	—	11	—
Washington	September 15	—	Yes	9	—
West Virginia	May 12	—	—	3	—
Wisconsin	September 8	—	Yes	9	Yes
Wyoming	August 18	—	—	1	Yes

State Department: Office of American Citizens ServicesVoting Action Officer: Mr. Patrick Hegerty **tel:** (202) 647-6060 **tel FTS:** 8-647-4994, **fax:** (202) 647-6201**Service Voting Action Officers**Dept. of the Army: Mr. Tom Feazell **tel:** (703) 325-4530 **tel DSN:** 221-4530, **fax:** (703) 325-4532, **fax DSN:** 221-4532
E-mail: feazellt@hoffman-emh1.army.milDept. of the Navy: Mr. Ed Roscoe **tel:** (703) 614-3248, **tel DSN:** 224-3248, **fax:** (703) 693-6471, **fax DSN:** 223-6471
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Internet: jacksonj@hq1.usmc.mil **E-mail:** jackson@mhp@hqmc **ELMS:** [GMHPO3:HQIHQMC]U.S. Coast Guard: LCDR Reggie Sealey **tel:** (202) 267-2239, **fax:** (202) 267-4823
E-mail: rsealy@comdt.uscg.milAll of the above can also be reached through the DoD Voting Information Center and the FVAP WEB Site <http://www.fvap.gov>

Please share this copy of VIN with others.

Send your queries via Internet, phone, fax or mail!

FVAP Ombudsman Service

The Federal Voting Assistance Program's Ombudsman Service is there to help you when voting concerns cannot be solved locally. You can contact the FVAP staff for service by e-mail at vote@fvap.gov; on the Web at www.fvap.gov; by phone using the toll-free numbers below; by fax at (703) 693-5507 or DSN 223-5507; or by regular mail at the address listed on page 2.

The toll-free numbers below will take you directly into the DoD Voting Information Center, with the option of transferring to the FVAP office for assistance from our Ombudsman Service. The office is staffed during normal business hours on Eastern Standard Time. An answering machine is available during the evening hours. When leaving a message from overseas please be sure to leave your entire phone number including any international prefixes required so that we are able to respond to your voting question in a timely manner.



In the U.S.	1-800-438-8683
Antigua	1-800-326-0220
Australia	0014-800-128509
Bahamas	180-995-09-20
Bahrain	800-621
Barbados	800-534-2104
Belgium	078-111-455
Bermuda	800-623-0077
Brazil	000-811-926-5585
Canada	800-995-0920
Chile	00-020-3071
Colombia	980-12-0896
Costa Rica	0-800-011-0125
Denmark	800-10-169
Dominican Rep.	800-751-7131
Finland	9800-156-284
France	0-800-900-156
Germany	013-081-9277
Greece	008-001-22-586
Hong Kong	800-6984
Hungary	00-800-11-158
Ireland	1-800-557-083
Israel	177-102-4012
Italy	1-678-72-444
Indonesia	00-800-1-923-3685

Japan	0031-11-2429
Liechtenstein	1-155-4514
Luxembourg	0-800-2499
Malaysia	800-2170
Mexico	95-800-010-1438
Monaco	0-59-00-156
Netherlands	06-022-2499
Neth. Antilles	001-800-753-0767
New Zealand	0-800-44-0799
Norway	800-12093
Panama	0083-28027-4197
Philippines	1-800-116-0009
Portugal	0501-8-13-035
San Marino	1-678-72-444
Singapore	800-1300-210
South Korea	0078-14-800-0203
Spain	900-93-1108
Sweden	020-793-503
Switzerland	155-4514
Taiwan	0080-10-3153
Thailand	001-800-1-1-923-6685
Trinidad & Tobago	1-800-934-7340
United Kingdom	0-800-895-7403
Uruguay	000-411-923-7985
Vatican City	1678-72-4444

(Residency, from pg. 1)

The spouse must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent, and when they become 18, they also have the option of establishing their own legal residence which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return.

These are general guidelines for determining your legal residency for voting purposes. Consult your legal or JAG officer for specifics.

Call the DoD VIC Toll-free from Overseas!

Now you can stay in touch with public officials, candidates and issues from your state toll-free from 49 overseas locations.

Contact the offices of U.S. Senators, U.S. Representative, Governors and State Chief Election Officials *at no cost to you* by using the numbers provided on this page.

Voting Assistance Officers can also contact the Voting Action Officer in the Department of State and the Uniformed Services on these numbers.

You may also call regular Commercial on (703) 693 - 6500 or DSN on 223 - 6500.

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